



Sen. Antonio Muñoz

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LRB099 03395 KTG 33591 a

1 AMENDMENT TO SENATE BILL 156

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 156 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Law Enforcement Disposition of Property Act  
5 is amended by changing Sections 1, 2, 3, and 5 as follows:

6 (765 ILCS 1030/1) (from Ch. 141, par. 141)

7 Sec. 1. This Act is applicable to all personal property  
8 coming into the ~~of which~~ possession of ~~is transferred to~~ a  
9 police department or other law enforcement agency of the State  
10 or a county, city, village or incorporated town, under  
11 circumstances supporting a reasonable belief that such  
12 property is ~~was~~ abandoned, lost or stolen, or otherwise  
13 illegally possessed, except property seized during a search  
14 that is, ~~and~~ retained and ultimately returned, destroyed or  
15 otherwise disposed of pursuant to a local ordinance of a county  
16 or city with a population of more than 2,000,000 persons, or

1 pursuant to order of a court in accordance with Section 108-11,  
2 108-12 or 114-12 of the "Code of Criminal Procedure of 1963" or  
3 other law hereafter applicable to property thus retained, and  
4 except property of which custody and disposition is prescribed  
5 by Article II of Chapter 4 of The Illinois Vehicle Code.

6 (Source: P.A. 84-505.)

7 (765 ILCS 1030/2) (from Ch. 141, par. 142)

8 Sec. 2. (a) Such property believed to be abandoned, lost or  
9 stolen or otherwise illegally possessed shall be retained in  
10 custody by the sheriff, chief of police or other principal  
11 official of the law enforcement agency, which shall make  
12 reasonable inquiry and efforts to identify and notify the owner  
13 or other person entitled to possession thereof, and shall  
14 return the property after such person provides reasonable and  
15 satisfactory proof of his ownership or right to possession and  
16 reimburses the agency for all reasonable expenses of such  
17 custody.

18 (b) Weapons that have been confiscated as a result of  
19 having been abandoned or illegally possessed may be destroyed  
20 by the confiscating authority or transferred to the Department  
21 of State Police for use by the crime laboratory system, for  
22 training purposes, or for any other application as deemed  
23 appropriate by the Department, if no legitimate claim is made  
24 for the confiscated weapon within 6 months of the date of  
25 confiscation, or within 6 months of final court disposition if

1 such confiscated weapon was used for evidentiary purposes.

2 (Source: P.A. 85-632.)

3 (765 ILCS 1030/3) (from Ch. 141, par. 143)

4 Sec. 3. If the identity or location of the owner or other  
5 person entitled to possession of the property has not been  
6 ascertained within 6 months, or within 60 days in a county or  
7 city with a population of more than 2,000,000 persons, after  
8 the police department or other law enforcement agency obtains  
9 such possession, the sheriff, chief of police or other  
10 principal official thereof shall sell ~~effectuate the sale~~ of  
11 the property ~~for cash~~ to the highest bidder at a public  
12 auction, notice of which (including time, place and a brief  
13 description of such property) shall be published at least once  
14 in a newspaper of general circulation in the county wherein  
15 such official has authority, or continuously on the law  
16 enforcement authority's Internet website, or any other  
17 publicly accessible State, county, city, village, or  
18 incorporated town's website, at least 10 days prior to such  
19 auction. The notice for an online auction shall include the  
20 name and address of the online auction company and state that  
21 the sale of the property shall be completed no earlier than 10  
22 days from the solicitation for bids in the online auction.  
23 However, if the sheriff, chief of police, or other principal  
24 law enforcement official determines that the interests of the  
25 public would best be served thereby, he or she may donate

1 property that is worth less than \$100, if the donation is  
2 approved by the governing body of which the law enforcement  
3 agency is a part, to a charitable organization that is  
4 currently registered in the State of Illinois, transfer custody  
5 of the property to the government of which his or her law  
6 enforcement agency is a branch, or if the property is in the  
7 custody of a State law enforcement agency, it may be  
8 transferred to the Department of Central Management Services,  
9 rather than effectuating the sale of the property by public  
10 auction. Property offered but not sold at such public auction  
11 may be offered and sold at a subsequent public auction without  
12 such notice.

13 (Source: P.A. 97-28, eff. 1-1-12.)

14 (765 ILCS 1030/5) (from Ch. 141, par. 145)

15 Sec. 5. The owner or other person entitled to possession of  
16 such property may claim and recover possession of the property  
17 at any time before its sale at public auction, upon providing  
18 reasonable and satisfactory proof of ownership or right to  
19 possession and reimbursing the law enforcement agency for all  
20 reasonable expenses of custody thereof. The owner or other  
21 person entitled to possession of property being sold through an  
22 online auction may claim and recover possession of the property  
23 at any time prior to the conclusion of the online auction upon  
24 providing reasonable and satisfactory proof of ownership or  
25 right to possession to the online auction provider and

1 reimbursing the law enforcement agency for all reasonable  
2 expenses relating to its custody of the property.  
3 (Source: Laws 1963, p. 3287.)".